

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, APRIL 4, 2006.

**Board Members Present:**

***John F. Coates, Chairman***  
***Steven E. Nixon, Vice-Chairman***  
Larry W. Aylor  
Sue D. Hansohn  
Brad C. Rosenberger  
Steven L. Walker

**Board Members Absent:**

William C. Chase, Jr.

**Staff Present:**

Frank T. Bossio, County Administrator  
J. David Maddox, County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Peggy S. Crane, Deputy Clerk

**CALL TO ORDER**

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mrs. Hansohn led the Board and audience in the Pledge Allegiance to the Flag.

**APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS**

Mr. Frank Bossio, County Administrator, asked that the agenda be amended as follows:

Under **CONSENT AGENDA**, item c., change "\$44,482" to "\$44,842", which is the correct amount of the grant;

Under **BUILDING & GROUNDS REPORT**, the supporting documentation had been revised for 1. Policies and Procedures for Parks and Recreation Outdoor Athletic Facilities, and 2. Sports Fields Development and Operations Agreement; and

Under **RULES COMMITTEE REPORT**, add 1. "Resolution to Proclaim April as Culpeper County Heritage Month".

Mr. Bossio also asked that **UPDATE ON CULPEPER AREA MOUNTAIN BIKE ORGANIZATION (CAMBO)** be moved to the first item under **GENERAL COUNTY BUSINESS** due to the speaker's time constraints.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

## **MINUTES**

The minutes of the March 3, 2006 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

## **CONSENT AGENDA**

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Electoral Board and Registrar's Office's for additional funds received from the State Board of Elections in the amount of \$5,800 for the purchase of computer equipment to allow the Electoral Board and Registrar to connect to the County's network.
- b. The Board will consider approving a request to appropriate funds to cover a shortfall for AVGAS in the amount of \$50,000 and \$5,600 for Jet-A fuel, for a combined total of \$55,600. This appropriation is due to Airport improvements and additional traffic. This amount will cover fuel purchases through the end of FY '06.
- c. The Board will consider approving for the Office of Emergency Services to apply for a Home Land Security Grant, administered through the Virginia Department of Emergency Management, in the amount of ~~\$44,482~~ \$44,842. The money will be used to fund preparedness efforts for Weapons of Mass Destruction. Federal ~~\$44,482~~ \$44,842 and no local match required.
- d. The Board will consider approving an application for a grant for the Sheriff's Office from the U.S. Department of Justice for a Bulletproof Vest Partnership Program Grant in the amount of \$12,375. Federal \$6,187.50 and local match of \$6,187.50 from the Sheriff's Operating Budget.
- e. The Board will consider approving a grant application for the Sheriff's Office from the Division of Motor Vehicles (DMV) in the amount of \$31,800. The monies will be used for overtime for traffic enforcement and related equipment. State funds in the amount of \$25,300 and \$6,500 from the Sheriff's operating budget.
- f. The Board will consider approving a budget transfer in the amount of \$46,000 from Operational Transfers for Economic Development Labor Study consulting services and award the contract to Pathfinders.

- g. The Board will consider acceptance of a donation of Waste and Recycling Services from Updike Industries, Inc. for the Community Complex.
- h. The Board will consider authorizing the advertisement of a public hearing for the May Board meeting to enter into a Lease Agreement with Cingular Wireless to co-locate on the Mitchell's Tower.
- i. The Board will consider approving a budget amendment for the School System for additional State revenue received for the Culpeper Juvenile Detention Home in the amount of \$98,282.
- j. The Board will consider a request from the Virginia Department of Transportation to accept John William Place, State Route Number 1119, in the Anderson Meadows Subdivision, into the State Secondary Road System.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the Consent Agenda as presented.

Mrs. Hansohn asked that with regard to item g., that the Board send a letter of appreciation to the Updikes for their generous donation of waste and recycling services for the Community Complex.

Mrs. Hansohn also asked whether the additional revenue for the School System in item i. was for this year's budget. Mr. Bossio replied that it was for this year's budget. Dr. David Cox, Superintendent of Schools, who was in the audience, agreed. Mrs. Hansohn asked whether it was additional money. Mr. Bossio replied that it was new money for this fiscal year. Mr. Jeff Shomo, Finance Director for the School System, replied that it was to cover an additional teacher and supplies for the Juvenile Detention Home and the State was late in sending the funds.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

### **GENERAL COUNTY BUSINESS**

#### **UPDATE ON CULPEPER AREA MOUNTAIN BIKE ORGANIZATION (CAMBO)**

Mr. John Barrett, Director of Parks & Recreation, introduced Mr. Tony Kennedy of the Central Area Mountain Bike Organization (CAMBO), who had been working to establish a mountain bike trail at Laurel Valley that had been approved by the Board a couple of years ago. He distributed copies of a map that depicted the proposed trail.

Mr. Kennedy reported that CAMBO had already established Culpeper's first mountain bike trail system that consisted of approximately 10 miles on private land in Rixeyville with three levels of difficulty. He said that CAMBO had more than 120 members last year and he anticipated the same number would join this year. He explained that CAMBO had now partnered with Culpeper County to build a trail system in the Laurel Valley landfill area. He distributed a progress report of what they had accomplished to date and their plans for the next several months. He recognized Mr. Richard Burns, who was taking a lead role in helping construct and design the plan, with the help of volunteers.

Mr. Kennedy stated that an initial three-mile loop had been mapped, flagged, and cleared safely within the estimated boundaries of the landfill and consideration would be given to expanding the trail depending on County support and level of usage. He noted that the County had paid CAMBO \$1,750 for the initial mapping of the trails and volunteers had contributed approximately 278 hours from October through March. He explained that CAMBO had installed a galvanized steel bridge over one of the wet areas, but the actual entrance to the loop had not been established. He anticipated that the trail would be opened first to CAMBO members during scheduled events in order to break in the trails. He asked that the County consider approving a County motorcyclist to break in the trail.

Mr. Kennedy indicated that CAMBO would need the County's assistance in order to have County boundaries defined and marked to reduce unauthorized use by ATV's, hunters and horseback riders observed by CAMBO volunteers; to remove derelict County vehicles from the parking area of the old Animal Shelter; to enforce the laws on the land as the area transitions; and to develop access, parking, and signage for public use. He asked that the County consider compensating CAMBO for maintaining the trails for multi-use, such as hiking and biking.

Mrs. Hansohn asked when the trail would be open for public use. Mr. Kennedy replied that CAMBO would start riding the trails after the next work day on April 8, but the County would have to decide when it would be open to the public since that would require more planning.

Mr. Nixon asked how access would be controlled when the trails were opened to the public. Mr. Barrett replied that he and Paul Howard, Environment Services Director, had discussed the possibility of having staff members open/close, but that issue would be addressed further. Mr. Nixon asked about the hours of operation. Mr. Barrett said he was looking at three days a week for CAMBO, but different times would be discussed when the site became accessible to the public.

Mr. Coates asked whether liability issues had been worked out. Mr. Barrett replied that CAMBO was covered by the International Mountain Biking Association for their scheduled group

rides, but when the trail was opened to the public, the County would be responsible for coverage. Mr. Coates pointed out that liability involved some of the landfill cells and those areas needed to be protected. Mr. Barrett stated that one of the cells had been fenced off, and he would talk to Mr. Howard about fencing other areas.

Mr. Walker stated that by using the trail on a regular basis would tend to reduce activity by unauthorized vehicles. He asked for additional information regarding the motorcycle rider breaking in the trail. Mr. Kennedy stated that the individual paid annual membership, had access to the trail, and was trained in breaking in trails. He said a sign had been posted stating motor vehicles admitted by invitation only. Mr. Walker pointed out that having a motorcycle rider using the trail on a regular basis to break it in might be an invitation for others to use it regardless of the signage. Mr. Kennedy admitted that was something he would need to consider further.

Mr. Walker stated that multi-use of the trails had been discussed but no mention had been made of mountain bikers, other than CAMBO members. Mr. Kennedy said that he had not gotten that far in his discussions with County staff and he did not know what the County's plans were for the future. He felt the County might want to have a period of time to become comfortable with CAMBO's usage. Mr. Walker said the theory was that hikers were all right but nonsanctioned bikers were not all right. Mr. Kennedy stated if the site became a popular trail system, the County would probably want to open it up to the public, but it was not possible at the present time due to access, etc.

Mr. Walker suggested another use would be horseback riding. Mr. Kennedy stated there was an equestrian group that had spoken with him and Mr. Barrett about building trails on the site, but he did not know if that was being considered. He pointed out that a horse trail would be a completely separate trail system because horses would degrade the bike trails.

Mrs. Hansohn asked how the general public could become members of CAMBO. Mr. Kennedy replied that individuals could visit the Bike Stop on Culpeper Street to sign up or they could contact him or his wife directly.

Mrs. Hansohn thanked Mr. Kennedy for the recreational opportunity his organization was offering as it would be a real asset to the community.

Mr. Coates thanked Mr. Kennedy and Mr. Burns for attending and their information.

#### **PRESENTATION BY THE JOURNEY THROUGH HALLOWED GROUNDS PARTNERSHIP**

Mr. Bossio introduced Ms. Cate Magennis Wyatt, President of The Journey Through Hallowed Grounds Partnership.

Ms. Wyatt provided a detailed power point presentation on the Partnership's initiative to create increased economic growth, while sustaining and celebrating the heritage and unique culture of each of the communities along the 175-mile journey between Gettysburg, Pennsylvania and Monticello, Virginia. She explained that the area held more American history than any other region in the United States: The largest collection of Civil War sites and battlefields in the country, six presidential homes, 13 national park units, 47 historic districts, 13 national historic landmarks, Revolutionary War sites, one million acres on the national register, dozens of National Trust "Main Street" communities and historic downtowns, and two World Heritage Sites (Monticello and the University of Virginia's Rotunda). The program is a bipartisan, public-private initiative that works collaboratively with heritage sites, elected officials, business leaders, educators, landowners, preservationists, and destination marketing organizations to promote economic development opportunities through heritage tourism and to celebrate the history in this region.

Ms. Wyatt stated that the Partnership was working to achieve the following by 2008: A National awareness campaign, an educational outreach program to benefit students and teachers regionally and nationally, National Heritage Area Designation, and National Scenic Byway Status. She noted that the National Heritage Area Designation and National Scenic Byway Designation were both honorary designations and would not override local and State land use jurisdiction. She explained that the National Heritage Area Designation would not require the owner of any private property located within its boundaries to participate, but it would allow the area to be eligible for funding to continue educational outreach and community planning. She explained further that the Scenic Byway designation would provide for beautification and planned safety improvements through a two-step process: The road must be a State scenic byway, and it must have a corridor management plan. She pointed out that the State Scenic Byway map showed Route 15 south of Culpeper as being designated as a State Scenic Byway, but it was not a part of the program.

Ms. Wyatt invited the Board to become a partner in the program and to consider favorably the resolution they had before them to create a National and State Scenic Byway Program and a National Heritage Area to sustain and strengthen the economy, heritage and quality of life within the regional.

Mr. Nixon asked whether designating Route 29/15 as a scenic byway would restrict road improvements in the future. Ms. Wyatt assured him it would not affect local authority since it was an honorific designation.

Mr. Walker inquired about potential Federal funding. Ms. Wyatt replied that the National Heritage Area legislation carried funding between \$500,000 and \$1 million a year for 10 years to be shared among the partners for their collective benefit.

Mrs. Hansohn questioned the statement in the resolution that indicated the intent of the Board to seek scenic byway designation, but it was not an automatic designation. Mr. Egertson stated that the State scenic byway designation was the first step and it would ultimately be a decision by the Commonwealth Transportation Board and the Board needed to pass a resolution in support prior to consideration.

Mr. Walker asked whether the scenic byway designation had to be accepted before finding out what the State offered. Mr. Egertson replied that if the Board passed the resolution, it would be within the purview of the Commonwealth Transportation Board whether to grant the designation and once the designation was granted it could not be rescinded unless there were some changes in circumstance or other reasons to do so. He noted that Culpeper County had several existing scenic byways and had experienced no ill effects from those designations.

Mr. Coates asked whether Federal funding would come from the Department of Transportation or the Department of the Interior. Ms. Wyatt replied that the National Heritage Area funding would come from the Department of the Interior and there was already a set-aside pool of funds for that purpose.

Mr. Coates asked Mr. Egertson for his comments from a planning perspective. Mr. Egertson stated that he had reviewed the criteria for scenic byways, and the County's overlay district would lend support to that designation. He said the only land use control that would be affected was the restriction on outdoor advertising on billboards, which were potentially eliminated by local codes in any event. He stated he was in support of the request.

Mr. Nixon asked whether the designation would actually include Route 15, Route 231 and Route 20. Mr. Egertson replied that the roads referred to in the resolution were outside of the County except Route 15/29.

Mr. Rosenberger moved, seconded by Mrs. Hansohn, to adopt the resolution. He noted that the Board had adopted a resolution declaring April as Southern Heritage Month in line with the Jamestown Celebration in an effort to promote tourism.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Ms. Wyatt expressed her appreciation to the Board and invited them to attend Congressman Frank Wolf's press conference at Oatlands in Loudoun County on April 10, when he would announce his initiatives on creating a four-state National Heritage Area.

Mr. Coates thanked Ms. Wyatt for her presentation.

Mr. Coates announced that Mr. Chase was not present at the morning session for personal reasons, but planned to join the evening session. He recognized the Mayor, Town Councilmen, the Superintendent of Schools and other School Board members in the audience.

Mr. Coates recessed the meeting at 11:00 a.m. and called the meeting back to order at 11:10 a.m.

### **PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) UPDATE**

Mrs. Terry Yowell, Commissioner of the Revenue, provided a detailed briefing on the Personal Property Tax Relief Act (PPTRA). She gave a brief history of the "no car tax" which began with PPTRA in 1998, and explained the Personal Property Tax Relief Compliance Act of 2003, which required audits by the Commonwealth. She explained beginning with fiscal year 2007, the Commonwealth would remit to each locality a fixed amount of funding, rather than the 70 percent each locality had been receiving in the past, and the percentage the taxpayers would pay on their individual bills would increase.

Mrs. Yowell reviewed historical data on total reimbursements ranging from 25,136 reimbursements of approximately \$1.7 million (47.5 percent) in 2000 to 27,139 reimbursements of approximately \$3 million (70 percent) in 2005. She added that for 2005, approximately 6,613 reimbursements totaling \$687,156.77 remained unsettled. She said that in the \$950 million cap, the State had set aside some dollars for the tax bills collected after January 1, 2006, and she predicted the funds would be used by September 1 or sooner.

Mrs. Yowell reviewed the considerations in determining the personal property tax relief, such as anticipated growth of the qualifying fleet, the impact on value of the fleet attributed to market fluctuation and dealer incentives, and projected number of supplements and abatements for previously qualified/disqualified vehicles. She noted that the tax rate was currently set at \$2.50 per \$100 assessed value, and an increase would result in a decrease in the percentage of relief. She said that Culpeper County's pro rata share of the \$950 million cap was frozen at \$3,367,808.23 as certified by the Commonwealth of Virginia's Auditor of Public Accounts.

Mrs. Yowell stated that there were not many tools to assist in estimating what the percentage of relief should be. She said the PPTRA allocation model developed by Bright & Associates compares historical growth data for estimating the future tax levy; compiles total vehicle levy plus supplements less abatements; calculates a levy on vehicles valued less than



\$1,001 and those valued from \$1,001 to \$20,000; and calculates a trend line projection for the 2006 PPTR. She discussed charts showing the historical growth rate for estimation of future tax levy and the trend line projection for tax year 2006. She estimated that considering the values for the vehicles, supplements and abatements, and qualifying use versus disqualifying use that the personal property tax relief for 2006 based on \$2.50 per assessed \$100 would be 54.72 percent. She predicted that using a manual calculation the percentage calculated a 54.27 percent levy.

Mrs. Yowell informed the Board that it was required to certify the tax rate and percentage of relief for personal property before the September 1 deadline for submitting the property books to the Treasurer. She thanked Mr. Barry Atchison and Ms. Tracy Miller, members of her staff, for their assistance in preparing the presentation.

Mr. Nixon asked for verification of his understanding that the amount of reimbursement the County would receive from the State was frozen at the 2004 level of \$3.4 million and the percentage of relief based on the normal tax rate would be \$6 million, but the County could only receive \$3 million. Mrs. Yowell stated that was correct when fully funding the value of the \$1,001 and under vehicles. Mr. Nixon acknowledged that some vehicles were qualified and some were not. Mrs. Yowell agreed and stated the County experienced 70 percent reimbursement for 2001 through 2005. Mr. Nixon pointed out that if the personal property tax rate were increased for personal vehicles, the percentage of relief would be reduced. Mrs. Yowell agreed.

Mr. Bossio asked for clarification that based on the \$2.50 rate, the projected number was 54.27 percent of tax relief. Mrs. Yowell stated that was an estimate based on the data she currently had. Mr. Bossio asked whether there was a method to calculate the percentage of tax relief using a \$3.50 per \$100 rate. Mrs. Yowell replied that she did not have the expertise to calculate that percentage, but a request had been made to Bright & Associates for assistance.

Mr. Nixon asked whether the tax rate of \$2.50 could be changed to \$3.50 in the present program and a new percentage calculated. Mrs. Yowell replied that Bright & Associates had stated that would not work. Mr. Nixon asked if there were other localities facing this problem. Mrs. Yowell replied that only two localities had mentioned their Boards were considering an increase and she would keep in touch with them to determine what tool they used to make the calculation.

Mr. Walker and Mrs. Yowell discussed the numerous possibilities in determining the percentage of relief and the various tools that could be used, both electronically and manually. Mr. Walker noted that the cap of \$3,367,808 would continue to be reimbursed to the County as long as vehicles with less than \$20,000 were taxed. Mrs. Yowell agreed that was the fixed

dollar amount to be received and it had to be used. Mr. Walker suggested that if the tax rate were low enough, the County could actually receive 100 percent of the cap, but he realized the difficulty of trying to target that amount because the target was continually moving. Mrs. Yowell agreed that could happen, but felt it was doubtful.

Mr. Walker stated that the County ordinance stipulated that the County pay 100 percent of the tax on vehicles valued under \$1,000. Mrs. Yowell agreed. Mr. Walker suggested that if that line were moved to \$8,000, the \$3 million would be utilized at 100 percent of reimbursement. Mrs. Yowell stated she would prefer not to comment on the legality of that assumption.

Mr. Walker asked whether the \$1,000 bracket could be changed. Mrs. Yowell stated the program was decided from the beginning that it would not make sense to collect the tax on those vehicles valued less than \$1,000, because the assessment was paid from the reimbursement. She said those vehicles were still on the books but the assessments were not paid by the taxpayers.

Mr. Bossio asked for clarification of the County's role versus the Commissioner of the Revenue's role in administering PPTRA. Mrs. Yowell stated that her responsibility was to decide which vehicles qualified and which ones did not. She said it was the responsibility of the local governing body to determine the percentage of tax relief with the assistance of the Commissioner of the Revenue.

Mrs. Hansohn pointed out that the Board had the responsibility, but depended upon information provided by the Commissioner of the Revenue's office.

Mr. Nixon stated that the Commissioner of the Revenue could project what the rate would be and the Board would then agree on the rate to be established. Mrs. Yowell agreed that would work, but the Board had the final authority. Mr. Nixon asked when the Board would need to make this decision. Mrs. Yowell replied that she would need the percentage of relief to apply to the books prior to turning them over to the Treasurer by September 1. Mr. Nixon suggested that Mrs. Yowell might need the information couple of months prior to September 1 in order to work the calculations. Mrs. Yowell stated that time frame would be appreciated.

Mr. Rosenberger asked whether the Commissioner could calculate the amount of reimbursement from the State if the Board decided to raise the rate on personal property taxes in order to balance the budget. Mrs. Yowell replied that if the tax rate were raised, the County would still receive the set dollar amount. She explained that the 54 percent calculation was based on fully funding the vehicles valued at \$1.00 to \$1,000 on the tax rolls qualifying for relief, and after extracting that amount, the remaining amount would be applied to the vehicles valued

between \$1,001 and \$20,000. She apologized for her lack of expertise in developing a spreadsheet to reflect adjustment in rates.

Mr. Bossio pointed out that if the County raised the tax rate from \$2.50 to \$3.50, the dollar change would be the responsibility of the taxpayer.

Mr. Coates thanked Mrs. Yowell for her presentation and assured her that the Board would meet her deadline.

**CONSIDERATION OF DATE FOR A PUBLIC HEARING ON BUDGET AND TAX RATE FOR  
FY 07 BUDGET**

Mr. Bossio asked Mrs. Valerie H. Lamb, Finance Director, to join him at the podium. He stated that he was asking the Board to advertise the proposed budget for the year ending June 30, 2007. He explained that the budget had total estimated revenues of \$127,154,735, expenditures of \$126,654,735, and the two figures would be in balance if the revenue for future capital of \$500,000 were subtracted. He noted that the proposed budget would fund the high school debt by raising the personal property tax from \$2.50 to \$3.50 and fund the full operational request from the Schools by imposing a 7-cent real estate tax increase.

Mr. Walker asked whether \$72,000 could be added to the proposed budget without changing the tax rate. Mrs. Lamb stated that amount could be included and asked in what category it should be added. Mr. Walker stated that he would like to have it added to the School budget to fund nine additional students in the Government School.

Mrs. Hansohn asked Mr. Bossio to explain the increased tax rates to be advertised. Mr. Bossio stated that the maximum tax rates were being advertised to fund the proposed budget, and the Board could certainly tax less and was encouraged to do so. Mrs. Hansohn said she wanted that on the record.

Mrs. Hansohn moved, seconded by Mr. Walker, to advertise the proposed budget for a public hearing.

Mr. Rosenberger stated he would not support the motion because he would not consider supporting a 7-cent tax increase. He noted that Mr. Chase was not present, but he was sure that he would agree that the tax rate should not be advertised higher than what actually would be enacted.

Mr. Nixon asked for clarification on the motion. Mrs. Hansohn stated her motion was to advertise for a public hearing based upon staff's recommendations.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Walker

Nay - Rosenberger

Absent - Chase

Motion carried 5 to 1.

**CONSIDERATION OF AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO APPROPRIATE FUNDS FOR THE SCHOOL'S SOFT COSTS**

Mr. Bossio explained that the Board had approved the soft costs for the new high school at its last session in order for the School System to move forward with some of the early work required. He asked the Board for permission to advertise for a public hearing in order to appropriate the \$5,145,386 remaining in the account borrowed from the bonding issue.

Mr. Nixon moved, seconded by Mr. Rosenberger, to authorize a public hearing to appropriate funds for the School's soft costs.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**CONSIDERATION OF ADDITIONAL FUNDING FOR NEW HIGH RESOLUTION AERIAL PHOTOGRAPHY**

Mr. John C. Egertson, Planning Director, recalled that the Board had previously approved staff's recommendation to purchase Virginia Geographic Information Network's high resolution aerial photography for \$78,727 and two-foot contour topography for an additional \$71,380, totaling approximately \$150,000. He reminded the Board that the County had spent approximately \$56,000 on recent projects such as \$13,600 at Coffeewood for the new jail facility, \$32,000 on some sewer line projects, and \$10,000 at the sports complex and new high school site. He explained he was now before the Board because VGIN had informed him the contractor who was to fly the photography had backed out of his contract and the second lowest bidder had to be selected. He said the photography piece was not expected to increase in price, and might decrease slightly, but the high resolution topography had increased from \$78,000 to approximately \$112,000. He asked for the Board's approval to move forward with the entire package at an additional cost of \$40,954. He said obtaining both the photography and topography for the entire County for less than \$200,000 was a good deal.

Mr. Nixon asked whether the areas already flown could be deleted. Mr. Egertson replied that the entire State would be flown again and VGIN would provide the County with the high resolution aerial photography, which would be more up to date and would have many uses in the Planning Department. He stated that the funds would not have to be paid until the package

was delivered, which could be as long as a year, but the Board elected to fund the project in February so the money would be available.

Mr. Aylor moved, seconded by Mr. Walker, to approve the additional funds for the high aerial photography.

Mr. Nixon asked whether the motion was to increase the funding for the air photography and topo contours by \$40,954. Mr. Egertson stated that was correct.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

**CONSIDERATION OF A REQUEST BY THE TOWN OF CULPEPER TO EXTEND A SEWER LINE THROUGH PROPERTY LOCATED OUTSIDE OF THE TOWN CORPORATE LIMITS**

Mr. Egertson stated he received a letter from Mr. Chuck Stephenson, Town Engineer, requesting authorization to extend public water and sewer mains from the Town into and through a portion of the County to tie into the existing lines on McDevitt Drive. He said the request was generated by plans for a new police station, but the eight-inch trunk sewer line and a 12-inch water line would serve areas within the Town. He noted that the Town would not request the ability to serve anyone in the County and had asked for the County's endorsement to proceed. He said the Town had already secured the easements for these lines from the private property owners involved.

Mr. Walker asked whether the lines would run parallel with existing lines or would they intersect and add to existing lines. Mr. Egertson stated the lines would come out of the Town and intersect perpendicularly with McDevitt Drive where lines currently exist. He said the water line would extend from within the Town to McDevitt Drive to create a loop to improve the water system and the extended sewer trunk line would intersect with the one on McDevitt Drive to take it straight to a treatment plant as opposed as having to install a pump station.

Mr. Walker asked whether the existing lines had the capacity to serve this area. Mr. Egertson stated it was his understanding that the existing lines could serve the area.

Mr. Nixon noted that the request was not for a three-party agreement, but permission to extend the line. Mr. Egertson stated that a three-party agreement was not necessary since no County customers were being proposed for service, but permission was required for the Town to cross into the County's jurisdiction.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the Town's request.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

### **FORMAL ACCEPTANCE OF PROPERTY**

Mr. John Barrett, Parks & Recreation Director, stated that the Board would consider the formal acceptance of two parcels of land located on Route 663, containing approximately 82 acres, which had been donated by the Lenn Brothers. He said the two parcels had been consolidated into one parcel for parks and recreational use and discussed possible areas for an entrance and for softball and baseball fields. He stated the Lenn Brothers had requested the area along the creek bed be maintained as a walking trail open to the public. He asked for the Board's acceptance of the property.

Mr. Walker expressed his appreciation for the donation on behalf of Mr. Chase who was not present.

Mr. Walker moved, seconded by Mr. Nixon, accept the donation of property from the Lenn Brothers.

Mrs. Hansohn asked that the Board send a letter of acceptance and appreciation to the Lenn Brothers for the generous gift. She noted it would allow the County to provide ballfields for the adults who had been requesting them for a long time. She asked that the letter of appreciation be made a part of the motion.

Mr. Walker amended his motion to include sending a letter of appreciation. Mr. Nixon agreed to the amendment.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

### **NEW BUSINESS**

### **COMMITTEE REPORTS**

#### **E-9-1-1 BOARD OF DIRECTORS REPORT - MARCH 9, 2006**

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met and had no action items to bring forward to the full Board, but the Board of Directors had approved its revised budget for FY 2007.

See Attachment #1 for details of meeting.

#### **PUBLIC SAFETY COMMITTEE REPORT - MARCH 9, 2006**

Mr. Nixon reported that the Public Safety Committee met and had the following action items to bring forward to the full Board: (1) Recommending to move forward with 24/7 coverage; and (2) Recommending to accept the ambulance from the Amissville Volunteer Fire and Rescue and honor its request.

Mr. Nixon said that the Committee discussed 24-hour coverage at great length and it approved moving it forward to the full Board.

Mr. Nixon moved, seconded by Mr. Walker, to approve 24/7 EMT coverage to include reimbursement for services by the County to help defray the cost of the increased coverage.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Nixon stated the Committee recommended the acceptance of an ambulance to be donated by the Amissville Volunteer Fire Department. He said that Mr. Tom Williams, Emergency Services Director, reported that the ambulance was in good repair, and it would take approximately \$45,000 to stock for use.

Mr. Nixon moved, seconded by Mrs. Hansohn, to accept the ambulance from the Amissville Volunteer Fire Department.

Mr. Rosenberger asked that the Board send a resolution of appreciation to the Amissville Department.

Mr. Nixon amended the motion to include an operational transfer of \$45,000 for the stocking of the ambulance. Mrs. Hansohn agreed to the amendment.

Mr. Coates asked that the motion also include the resolution. Mr. Nixon and Mrs. Hansohn agreed to the additional amendment.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #2 for details of meeting.

#### **BUILDINGS & GROUNDS COMMITTEE REPORT - MARCH 14, 2006**

Mr. Nixon reported that the Buildings & Grounds Committee met and had the following action items: (1) Recommending to approve the proposal for parking lot improvements as submitted by the Culpeper Regional Hospital, with the contingency that the Board would decide whether to pay cash or finance for three years once the bid price was known; (2)

Recommending to approve the draft Policies and Procedures for Parks and Recreation Outdoors Athletic Facilities; (3) Recommending to approve the draft Sports Fields Development and Operations Agreement; (4) Recommending to accept the proposal for storage sheds on a temporary basis; and (5) Recommending to endorse the concept that the 2.5 acres be provided to the Town for a community center/pool.

Mr. Nixon reported that the Hospital wished to make improvements to the County-shared parking lot and would like the County to join in the process. He noted that the bid the Hospital had was a year old and it would be rebid.

Mr. Nixon moved, seconded by Mrs. Hansohn, to pay the County's fair share of the parking lot expansion.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Coates thanked Mr. Lee Kirk, President of the Culpeper Regional Hospital, for attending the meeting.

Mr. Nixon moved, seconded by Mr. Aylor, to accept the draft policies and procedures manual that had been prepared by staff for the sports complex.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Nixon stated the Committee considered a Sports Fields Development and Operations Agreement with the understanding there may be some changes based on comments from the Sports Association. He said the staff had been authorized to incorporate the changes.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the agreement with the Sports Association.

Mr. Coates asked whether the changes to the agreement would be reviewed by the County Attorney. Mr. David Maddox, County Attorney, stated the comments had been received, reviewed and incorporated into the final agreement.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase



Motion carried 6 to 0.

Mr. Nixon stated that the Committee discussed the need for temporary storage facilities for the different associations to use for storing their equipment until a more permanent structure could be built. He noted that specific guidelines had been imposed upon the type of structure.

Mr. Nixon moved, seconded by Mr. Aylor, to authorize staff to move forward with the proposal for storage sheds on a temporary basis.

Mr. Bossio reported that subsequent to the Committee meeting, Mr. Barrett had obtained information on leasing mobile units that could be used for storage purposes and could be easily moved when they were no longer needed. He asked that the Board consider this option.

Mr. Nixon amended his motion to lease temporary mobile storage units on a temporary basis that were compatible with each other. Mr. Aylor agreed to the amendment.

Mr. Coates thanked Mr. Barrett for coordinating these efforts with Mr. Charlie Barrell, who was very helpful in arranging for the temporary units. Mr. Barrett stated they were looking at two units at this time – one for the baseball equipment and the other for storage of the County's maintenance equipment, which could also be shared with the baseball teams.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Nixon stated that the Committee had a lengthy discussion on the 2.5 acres that the Committee felt could be donated or leased to the Town for a community pool.

Mr. Nixon moved, seconded by Mr. Aylor, to approve providing 2.5 acres to the Town for a community center/pool.

Mr. Walker noted the motion was consistent with the motion the Board had passed previously, except the amount of land available had not been identified at that time.

Mr. Coates stated the location selected was a beautiful site for the pool and he hoped it received favorable consideration by the Town.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #3 for details of meeting.

**RULES COMMITTEE REPORT - MARCH 14, 2006**

Mr. Walker reported that the Rules Committee met and had the following action items to bring forward: (1) Recommending staff develop an RFP for a study to determine the County's records management needs and possible solutions; (2) Recommending to approve the license agreement for sign "Work Where You Live Campaign"; and (3) Recommending that April be designated as "Culpeper County Heritage Month";

Mr. Walker reported the Rules Committee received a long presentation on records management needs and from that presentation derived the need to develop an RFP for a study to determine the County's records management needs and possible solutions.

Mr. Walker moved, seconded by Mr. Nixon, to approve the development of an RFP for a records management needs assessment and proposed solutions.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Walker stated the Rules Committee discussed a license agreement for a sign for the "Work Where You Live Campaign" being sponsored by the Chamber of Commerce. He noted there was an existing sign at the proposed location and the license agreement could be extended.

Mr. Walker moved, seconded by Mr. Aylor, to approve the license agreement for the "Work Where You Live Campaign".

Mr. Coates stated the site for the sign was a fitting location since it would be placed at the entrance to the Industrial Park.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Walker stated the Rules Committee recommended that the Board designate April as "Culpeper County Heritage Month" and the Board had a resolution for approval.

Mr. Walker moved, seconded by Mr. Nixon, to approve the resolution that would designate April as "Culpeper County Heritage Month".

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #4 for details of meeting.

**PUBLIC WORKS COMMITTEE REPORT - MARCH 14, 2006**

Mrs. Hansohn reported that the Public Works Committee met and reviewed the revisions to Chapter 14, Sanitary Regulations, of the County Code. She asked Mr. Egertson to review the changes.

Mr. Egertson stated the proposed revisions to Chapter 14 would impose the adopted standards for the County's Water and Sewer Authority to be implemented Countywide. He said one section covered sewage treatment facilities and one section covered central water supply systems in the County. He noted that the impact on sewage systems would be negligible, but there would be an impact on the smaller private water systems.

Mr. Egertson stated that the use permit process would not be used to build centralized sewage treatment systems all over the County. He cited Clevenger's Corner as an example where the County insisted there would be a publically owned regional system built to the new standards to include water storage and fire flow. He said that developing a water system to adhere to the County Water Authority standards would be substantially more expensive than developing one to Health Department standards. He noted that the impact would be the smaller private water systems that the County had experienced so much trouble with in the recent past because it would not be realistic for a developer to implement the County's standards and create a water system that was supported by approximately 30 or 40 lots. More than 100 lots would be needed to meet the new standards cost effectively. He said that a developer would need to have two-acre lots or larger in an R-1 zone in order to have private wells and septic systems on each lot. He said he supported the Public Works Committee in imposing the County Authority's standards countywide. He asked for the Board permission to advertise the revised Sanitary Regulations for a public hearing at the Board's next regular meeting.

Mr. Egertson pointed out that Mr. Howard would like to replace the existing standards and rules/regulations at the Airpark with the Authority's standards and that could be done as a separate issue at next month's morning session, and he was not recommending imposing the Authority's standards on the Mitchell's sewer system area because of some nuances of that system.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to authorize staff to advertise for a public hearing at the Board's May meeting on the revised regulations.

Mr. Nixon reported that the comments received from developers and other people who were in the water/sewer business had been incorporated wherever possible. Mr. Egertson agreed that was correct prior to adopting the Authority's standards.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

See Attachment #5 for details of meeting.

### **ECONOMIC DEVELOPMENT REPORT**

Mr. Carl Sachs, Director of Economic Development, reported that the Agricultural Enterprise Act was not funded this year so it was not in effect at the present time. He said that the Department of Agricultural and Forestry had released a report on the implementation of the Act that was contrary and inconsistent with its intent. He said the proposal was that the program would be administered by the Department of Housing and Urban Development in a manner similar to the Industrial Enterprise Zone Act, and the eligibility criteria recommended were low growth rates, high unemployment and high rates of unemployment. He stated he had briefed Delegate Scott, who talked with Delegate Saxon who was a sponsor of the bill, and they discussed the issues with the Secretary of Agriculture and Forestry.

Mr. Sachs also reported that he had received information on employment at Lowe's in accordance with their economic development agreement committing them to 125 employees. He said as of February, Lowe's had 151 employees, 70 percent of whom had Culpeper County addresses.

Mr. Walker inquired whether the County had considered having an Industrial Enterprise Zone. Mr. Sachs explained that there was a fixed limit on the number of those zones within the State and that limit had been filled.

### **AIRPORT ADVISORY COMMITTEE REPORT - MARCH 8, 2006**

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to bring forward. He stated that the RFP for the terminal had been developed and would go before the Airport Advisory Committee on April 5.

### **ADMINISTRATOR'S REPORT**

Mr. Bossio presented the following report:

1. Future of School Oversight Committee (SOC). Mr. Bossio stated that over the past several years, the SOC had been actively engaged in the procurement of land and design of a new high school, as well as other related activities. He said that there had been a discussion at the SOC's last meeting regarding the future of that committee, and one of the Board members felt it should also be discussed by the full Board.

Mrs. Hansohn stated she thought the SOC was an excellent committee and it had done

a good job in bringing many different people together with expertise in various areas. She said it would be a real benefit to have the SOC continue to deal with new building construction, but not renovations.

Mr. Aylor asked whether additions to current buildings should be included. Mrs. Hansohn replied that additions would be considered new construction.

Mr. Walker agreed that the SOC should be continued because of its benefit to the community. He noted that the idea for the SOC had come during a trip that he, Mrs. Hansohn, Mr. Bossio, and Mr. Arrington took to Powhatan where the Powhatan Board and schools had created a similar body.

Mrs. Hansohn moved, seconded by Mr. Nixon, that the SOC be continued for new construction projects.

Mr. Walker noted there were plans to build several new schools, but the decision to proceed had not been made. He asked whether the SOC would be involved in that portion of building a new school. Mrs. Hansohn replied that once the School Board determined they would move forward, she thought that would be time for the SOC to begin meeting. She said she was not sure how this would be implemented.

Mr. Coates stated that he felt the SOC should be involved in both long-range and short-term planning, but the individuals who served on the SOC might have different views.

Mr. Aylor stated as a member of the SOC, he felt it was important that the SOC be a part of the comprehensive planning for the future growth of the school system, and the group could be brought together to consider issues such as traffic, locations, etc.

Mrs. Hansohn asked whether comprehensive planning for the future should be made a part of the motion. Mr. Aylor replied in the affirmative. Mrs. Hansohn and Mr. Nixon agreed to the amendment to the motion.

Mr. Coates pointed out that the County staff had the expertise to render assistance in the areas of planning, buildings and grounds, etc., and VDOT may provide more cooperation in long-range planning. Mrs. Hansohn stated the whole process was based on the School Board's agreement.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Bossio reminded the Board that public hearings on the FY 07 proposed budget and proposed tax rates had been scheduled for April 18, 2006 at 7:00 p.m.

### **CLOSED SESSION**

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (a) An appointment to the Rappahannock Emergency Medical Services Council; and (b) proposal to implement new reorganization of the Piedmont Workforce Network Board.
2. Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and staff to consider entering into one or more agreements with another public entity, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
3. Under *Virginia Code* §2.2-3711(A)(3), (A)(7) & (A)(30), for discussion with legal counsel and staff of the status of negotiations regarding river property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.
4. Under *Virginia Code* §2.2-3711(A)(7) & (A)(30), for discussion with legal counsel and staff of the status and negotiation of a specific agreement with another public entity and probable litigation, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent - Chase

Motion carried 6 to 0.

Mr. Coates called for a recess at 12:40 p.m. for lunch.

The Board entered into closed session at 2:30 p.m.

The Board returned to open session at 3:45 p.m.

Mr. Coates asked that the record show that Mr. Chase was not present for the Closed Session.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

Absent – Chase

**RE: PIEDMONT WORKFORCE BOARD**

Mr. Nixon moved, seconded by Mr. Aylor, to implement the reorganization of the Piedmont Workforce Network Board effective July 1, 2006 and reduce the County's membership to two (2), to extend the term of Darlene Carpenter to June 30, 2007, and to extend the term of Steven L. Walker to June 30, 2009.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**RE: READVERTISE VACANCY TO RAPPAHANNOCK EMERGENCY MEDICAL SERVICES COUNCIL (REMS)**

Mr. Nixon moved, seconded by Mr. Aylor, to readvertise to fill the vacancy of the County's representative to the Rappahannock Emergency Medical Services Council.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

**ADJOURNMENT**

Mr. Nixon moved, seconded by Mrs. Hansohn, to adjourn at 3:49 p.m.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 6 to 0.

Absent – Chase

Peggy S. Crane, CMC  
Deputy Clerk

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John F. Coates, Chairman  
Culpeper County Board of Supervisors

ATTEST:

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Frank T. Bossio  
Clerk to the Board

APPROVED: May 2, 2006